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Marina F. Cunningham  
CityPlace II, 185 Asylum Street  
Hartford, CT 06103-3402

In re Application of	:	
SØRENSEN, Elmgaard Birger	:	
Application No.: 09/743,589	:	DECISION ON
PCT No.: PCT/DK99/00401	:	
Int. Filing Date: 13 July 1999	:	PETITION
Priority Date: 14 July 1998	:	
Attorney Docket No.: 6474-02WOUS	:	UNDER 37 CFR 1.181
For: NITS SEPARATOR	:	

This decision is in response to "Petition to Withdraw the Holding of Abandonment," filed with the United States Patent and Trademark Office on 28 May 2002.

### **BACKGROUND**

On 13 July 1999, applicant filed international application PCT/DK99/00401. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 27 January 2000.

On 11 February 2000, applicant filed a Demand for international preliminary examination, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty month period for paying the basic national fee in the United States expired on 16 January 2001 (14 January 2001 was a Sunday and 15 January 2001 was a holiday).

On 11 January 2001, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 26 April 2002, the Office mailed a Notification of Abandonment (Form PCT/DO/EO/909) indicating that the above-identified application was abandoned for failure to respond to the Notification of Missing Requirements mailed 23 February 2001.

On 28 May 2002, applicant filed the instant "Petition to Withdraw the Holding of Abandonment," which was accompanied by, *inter alia*, a declaration and a docketing log.

On 09 July 2002, applicant faxed a copy of the above petition to the Office.

On 15 July 2002, applicant submitted a status request requesting the status of the petition accompanied by a copy of the petition.

**DISCUSSION**

Applicant claims to have not received the 23 February 2001 Notification of Missing Requirements. A review of the file reveals that both the copy of the Notification and the original are in the file.

**CONCLUSION**

For the reasons set forth above, the petition under 37 CFR 1.181 is **GRANTED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 26 April 2002 is **VACATED**.

The Notification of Missing Requirements with a mail date of 23 February 2001 is **VACATED**.

This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing, including preparation of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late furnishing of the oath or declaration are required.



Richard Cole  
PCT Legal Examiner  
PCT Legal Administration

Erin M. Pender  
Attorney Advisor  
PCT Legal Administration

Telephone: 703-305-0455  
Facsimile: 703-308-6459